

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.04.03 - RULES GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0801

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 25-207, 25-210, 25-212, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

Wednesday, October 15, 2008 -- 7:00 pm to 7:30 pm

IDAHO DEPARTMENT OF AGRICULTURE

**2270 Old Penitentiary Road
Boise, ID 83712**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Idaho's equine industry has expressed a desire for ISDA to place Equine Viral Arteritis (EVA), a viral disease of equids (horses, mules, asses) on the State Veterinarian's Reportable Disease List in order to have clear authority to prevent and control the disease. EVA causes abortions in mares and creates a carrier state in stallions. The USDA's EVA Uniform Methods and Rules will be incorporated by reference. Other incorporated reference documents are updated to the latest versions. A new form of equine herpes virus was added to USDA's list of notifiable diseases and needs to be added to Idaho's notifiable disease list to enable the Division of Animal Industries to monitor and report an occurrence in the state. The rule also adds ponies and zebras to the definition of equidae.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Sections 67-5220, Idaho Code, informal negotiated rulemaking was conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dr. Bill Barton, Administrator at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 18th day of August, 2008.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0403-0801

004. INCORPORATION BY REFERENCE.

01. **Incorporated Documents.** IDAPA 02.04.03 incorporates by reference the following documents: (5-3-03)
2003. a. The USDA Pseudorabies Eradication State-Federal-Industry Program Standards, November 1, (3-30-07)
- b. National Poultry Improvement Plan and Auxiliary Provisions, February 12, 2007~~8~~. ~~(4-2-08)~~()
- c. Title 9, Parts 145, 146, 147, and 161, CFR, January 1, 2006~~8~~. ~~(3-30-07)~~()
- d. The Compendium of Animal Rabies Prevention and Control, 2007~~8~~. ~~(4-2-08)~~()
- e. Equine Viral Arteritis Uniform Methods and Rules, April 19, 2004. ()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (5-3-03)

01. **Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (5-3-03)
02. **Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (5-3-03)
03. **Animal.** Any vertebrate member of the animal kingdom, except man. (3-20-04)
04. **Approved Pseudorabies Vaccine.** Any pseudorabies vaccine produced under current USDA license and intended for immunizing swine against pseudorabies. (3-20-04)
05. **Cachexia.** Weakness and emaciation caused by a serious disease such as tuberculosis or cancer. (3-20-04)
06. **Department.** The Idaho State Department of Agriculture. (5-3-03)
07. **Director.** Director of the Idaho State Department of Agriculture or his designee. (9-6-61)
08. **Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (5-3-03)
09. **Epithelioma.** Cancer or tumor. (3-20-04)
10. **Equidae.** Horses, ponies, mules, ~~and~~ asses, and zebras. ~~(3-20-04)~~()
11. **Exposed Livestock.** Any livestock that have been in contact with an animal infected with, or affected by, any contagious, infectious or communicable disease, including all livestock in a known infected herd. (3-20-04)

- 12. Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-20-04)
- 13. Gamebirds.** Domesticated gallinaceous fowl such as pheasants, partridge, quail, grouse, and guineas. (5-3-03)
- 14. Garbage.** Putrescible animal and vegetable waste containing animal parts resulting from the handling, preparation, processing, cooking or consumption of foods. (3-20-04)
- 15. Hatching Eggs.** Fertilized eggs. (5-3-03)
- 16. Herd.** A herd is any group of livestock maintained on common ground for any purpose, or two (2) or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to contagious, infectious, or communicable animal diseases. (3-20-04)
- 17. Infected Livestock.** Any livestock determined to be infected with a contagious infectious, of communicable disease by an official test or diagnostic procedure, or diagnosed by a veterinarian as infected. (3-20-04)
- 18. Interstate Movement.** Movements of livestock and poultry from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (3-20-04)
- 19. Intrastate Movement.** Movement of any animal from one location to another location within Idaho. (3-20-04)
- 20. Known Infected Herd.** Any herd in which any livestock has been determined to be infected with contagious, infectious, or communicable diseases by an official test or diagnostic procedure, or diagnosed by a veterinarian as being infected. (3-20-04)
- 21. Livestock.** Swine, cattle, sheep, goats, equidae, domestic bison, domestic cervidae, camelids, ratites, and other domestically raised animals. (4-2-08)
- 22. Necrosis.** Death of tissue. (3-20-04)
- 23. Negative.** An animal that has been tested with official test procedures and is found to be negative. (3-20-04)
- 24. Neoplastic Tissue.** New growth or tissue associated with a tumor. (3-20-04)
- 25. Official Pseudorabies Test.** Any test for the diagnosis of pseudorabies that has been approved by USDA/APHIS and is conducted by a state/federal approved laboratory. (3-20-04)
- 26. Orbital Region.** The cavity containing the eye and surrounding bones. (4-2-08)
- 27. Positive.** An animal that has been tested and found positive with official disease test procedures and is considered infected with any contagious, infectious, or communicable disease. (3-20-04)
- 28. Poultry.** Domesticated fowl, including chickens, turkeys, waterfowl, and gamebirds. (5-3-03)
- 29. Pseudorabies.** The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch or infectious paralysis. (3-20-04)
- 30. Quarantine.** A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold animals on a premise or any other location, and to prevent movement of animals

from a premise or any other location when the Administrator has determined that the animals have been found or are suspected to be exposed to or infected with any contagious, infectious, or communicable disease, or the animals are not in compliance with the provisions of this chapter. (3-20-04)

31. Quarantined Area. The counties, areas, or districts, portions thereof, quarantined by the Division of Animal Industries for specific contagious, infectious, or communicable animal diseases. (5-3-03)

32. Quarantined. Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (9-6-61)

33. Ratites. Large, non-flying birds including, but not limited to ostriches, emus, cassowaries, and rheas. (3-20-04)

34. Registered Veterinarians. Veterinarians registered with, and approved by, the Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. (5-3-03)

35. Restrain. The confinement of livestock, or other animals, in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing, as approved by the Administrator. (3-20-04)

36. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (5-3-03)

37. Stockyards. A facility where trading in livestock is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where livestock associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. (3-20-04)

38. Suppuration. The formation of pus. (3-20-04)

39. Suspect. An animal that has a response to an official test, but the response is not sufficient to determine the disease status of the animal tested. (3-20-04)

40. Swine. All breeds of domestic porcine and all wild and exotic porcine. (3-20-04)

41. Swine Feedlot. Premises designed and used exclusively for the finish feeding of swine, from which the swine will be moved directly to slaughter. (3-20-04)

42. Waterfowl. Domesticated fowl that normally swim such as ducks and geese. (5-3-03)

43. Wildfowl. Wild gallinaceous fowl, turkeys, and waterfowl. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

305. FOREIGN ANIMAL AND REPORTABLE DISEASES - EQUINE DISEASES.

01. African Horse Sickness. (4-2-08)

02. Contagious Equine Metritis. (4-2-08)

03. Dourine. (4-2-08)

04. Equine Encephalomyelitis (Eastern, Western, Venezuelan). (4-2-08)

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| 05. | Equine Infectious Anemia. | (4-2-08) |
| 06. | Equine Piroplasmosis (<i>Babesiosis</i>). | (4-2-08) |
| <u>07.</u> | <u>Equine Viral Arteritis.</u> | () |
| 078. | Glanders. | (4-2-08) |
| 089. | Hendra Virus. | (4-2-08) |
| 0910. | Japanese Encephalitis. | (4-2-08) |
| 101. | Surra (<i>Trypanosoma evansi</i>). | (4-2-08) |

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334. NOTIFIABLE DISEASES - EQUINE DISEASES.

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| 01. | Equine Viral Arteritis <u>Equine Herpesvirus Myeloencephalopathy.</u> | (4-2-08) () |
| 02. | Equine Rhinopneumonitis. | (4-2-08) |